

This is very important. While EPA estimates the cost of its cap-and-trade rule at about \$2 billion, EIA has projected costs as high as \$358 billion for a 90-percent MACT standard.

The public's return for such a regulation is an average increase in national electricity and natural gas prices by 20 percent and additional reduction in U.S. mercury disposition of 2 percent, an almost immeasurable decline in people's exposure to mercury.

I don't understand why people in this country are so bent on doing the "perfect," when you have something that is good and makes sense from a cost-benefit point of view. Given the state of technology and cost of various proposals, the best way to reduce emissions now is by reducing sulphur dioxide and nitrous oxides and getting cost-benefit reductions. Obtaining reductions cost effectively is very important; otherwise, companies may not be able to move forward with other pollution benefits such as integrated gasification combined cycle.

We are moving ahead with the Energy bill and by reducing SO<sub>x</sub> and NO<sub>x</sub> we will do more to reduce mercury than any other proposal out there. I hope my colleagues understand what we are talking about tonight. Whatever happens tonight, it is going nowhere because the President has said he will veto this resolution if it passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suppose there are Members who think we are in great shape, the air is clean, no problems whatsoever. The fact is, of course, we have significant mercury in the air that is created in the United States. It tends to occur disproportionately in one part of the United States, the Northeast, making the waters, fish, and air unsafe for children and for pregnant mothers. I will speak more on that as we go along. If this rule would actually help, I would be all for it.

Let's be serious. If we ever wondered what a mercury pollution rule written by the polluters would look like, now we know. This is pretty much it. Some of this rule was copied verbatim, we now find out from some very brave people. It was copied verbatim from the sheets given by the companies most involved in the pollution.

Most Americans have a great deal of trust in the Environmental Protection Agency since it was created during President Nixon's administration. It is very sad, very appalling to see how they have been captured by special interests. It is regrettable the American people and many of their representatives in Congress have been forced to the conclusion that mercury rules have been so mishandled and so co-opted by special interests that this rare effort to override is necessary.

We have a simple choice on mercury pollution. Do we follow the administration and the well-funded special interests who are creating most of the mer-

cury pollution and take several steps backward and thus force the American people to wait at least another decade before cleaning up the toxic mercury spewing out of old powerplants across this country? Do we allow this new rule to allow toxic mercury? So everyone understands what we are talking about, this does not just make the skies darker. This is a substance so harmful that it causes birth defects, IQ loss, and mental retardation. Do we continue to let it poison children and pregnant women, while costing taxpayers billions in health care costs?

Shouldn't we heed the proliferation of warnings our States and the Federal Government have had to give to anglers and women, to the general public, about the consumption of fish—fish caught not from outside our country but in streams and lakes and rivers all across America? Shouldn't that be enough to shame our Government into action?

Should we allow this rule to move forward, the Bush administration's own inspector general says it does not comply with EPA Executive order requirements. Their own inspector general says it does not comply. The Government Accountability Office has said there are major shortcomings in the economic analysis. Or should we uphold the bipartisan work of Republicans and Democrats alike that produced the Clean Air Act, thus protecting the health of pregnant women and children?

The Clean Air Act requires EPA to control each powerplant emission by 2008 at the latest. That is the law of the land. Anything less is more pollution. Instead, the administration has turned the Clean Air Act on its head. And this notwithstanding the two previous administrations, Republican and Democrat, that sought to enforce it.

Now they have revoked an earlier EPA finding that is necessary and appropriate to require these powerplants apply technology to reduce mercury emissions. By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. It is an audacious disregard for the health of the American people.

Let's do the rule over. Let's get it right. Look what we have. EPA rules are in orange on the chart and do not meet the clean air requirements. The Clean Air Act is in blue on the chart. That shows how badly they miss it.

This rule is going to allow more mercury into our environment than even the current law. If we leave the current law alone, there would be less mercury in our environment. Instead, the rule gives more pollution for longer than the Clean Air Act allows.

The rule is all the more shameful because of the health damage. EPA's own estimate of the number of newborns at risk of elevated mercury exposure has doubled to 630,000. They also found that

one in six pregnant women has mercury levels in her blood above the EPA-safe threshold. I love to have people stand up and say we are family friendly around here. Family friendly with 630,000 newborns at risk? One in six pregnant women at risk, that is family friendly?

Also, mercury emissions contaminate 10 million acres of lakes and 400,000 miles of streams, which triggers advisories in 45 States warning America's 41 million recreational anglers the fish they catch may not be safe to eat.

One reason the administration has such a lack of candor is the fact we discovered this rule has the polluting industries' fingerprints all over it. Their first proposal for these rules lifted exact text provided by the utility industry lobbyists. Of course, when the lobbyists are shut in and the public is shut out, when the scientific and economic analysis was manipulated and where the public's health was ignored, we get a rule like this.

The Bush administration's own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Their recommendations to improve it were ignored. So were more than 680,000 public comments, a record for EPA. They produce a rule that will do nothing for at least a decade.

They punted, and in the meantime, the grandfathered powerplants keep putting mercury into our water, into our fish, putting a generation of women at risk. We tell them their health is not important. We are told it is not a family value to put another generation of young kids at risk of learning disabilities. That is what the mercury rules do.

People in the United States will watch what we do in the Senate, how we vote. Will we side with the American people or the big polluters?

The administration's mercury rule is a danger to America's women and children. It is time to do it over and do it right. Listen to the Bush administration's own inspector general. Do it right. I hope we do go with the motion to proceed.

The distinguished Senator from New Jersey is in the Senate and was seeking 2 minutes. I yield 2 minutes to the distinguished Senator from New Jersey.

I am sorry, I withhold.

Mr. INHOFE. Let him go ahead.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the time is short but certainly the alarm is real.

As I look at this, I am bewildered. I have three daughters. I have been fortunate enough to have 10 grandchildren. I have one son. The most precious assets I have in this world are these 10 little kids. I cannot believe that any Member here, in a face-to-face discussion, would say, We have to protect the ability of the coal powerplant